

# **EXHIBIT 1**

**INTERROGATORY NO. 2**

In order of corporate seniority, identify by name and date all Your past and present directors and officers.

**RESPONSE TO INTERROGATORY NO. 2:**

Microsoft incorporates by reference and reasserts its Objections to Plaintiffs' Definitions and Instructions set forth above. Microsoft objects to this interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case, particularly because the interrogatory seeks information relating to "all" of Microsoft's past and present directors and officers, and because the identities of these individuals have no apparent relevance to any issue in this case. Microsoft further objects to the request to list individuals in order of seniority as Microsoft does not have a reliable way to rank seniority across different internal organizations.

Subject to the above objections, Microsoft states that it has been in existence for nearly fifty years and will not undertake the burdensome investigation necessary to respond to this interrogatory. Microsoft further states that to the extent this information has been included in its annual reports during the time it has been a public company, the information is equally available to Plaintiff who can readily compile a list. Microsoft further states that a list of its current officers and directors is accessible via its website at <http://news.microsoft.com/leadership/>.

**INTERROGATORY NO. 6**

In order of corporate seniority, identify by name, job title, and date, all Persons, including employees from other businesses, contractors, vendors, and other non-employees of Your business, previously and currently responsible for, or having oversight or control over regarding the purchase or sale of any interest in GitHub including any communications or negotiations thereof including in regards to financing, whether or not such purchase or sale was consummated.

**RESPONSE TO INTERROGATORY NO. 6:**

Microsoft incorporates by reference and reasserts its Objections to Plaintiffs' Definitions and Instructions set forth above. Microsoft objects to this interrogatory as overly broad, unduly

1 burdensome, not relevant to any claim or defense, and disproportionate to the needs of the case,  
2 particularly because of its request to identify (1) “all Persons”; (2) employees of third-party  
3 entities; and (3) information regarding the purchase or sale of GitHub, even if not consummated,  
4 which is not relevant to any issue in this action. Microsoft further objects that this interrogatory  
5 is vague and ambiguous to the extent it asks Microsoft to identify Persons by date without any  
6 further information regarding what dates the interrogatory seeks. Microsoft further objects that  
7 the phrase “having oversight” is vague and ambiguous. Microsoft will interpret this term to mean  
8 having control over. Microsoft further objects that the phrase “control over regarding” is vague  
9 and ambiguous. Microsoft will interpret this phrase to mean having control over. Microsoft  
10 further objects that this request is nonsensical to the extent it seeks to identify “Persons”  
11 “including communications.” Microsoft objects that this interrogatory is nonsensical when given  
12 an ordinary reading. Microsoft further objects to the request to list individuals in order of  
13 seniority as Microsoft does not have a reliable way to rank seniority across different internal  
14 organizations.

15 Subject to the above objections, Microsoft states that it will not respond to this  
16 interrogatory in its current form.

17 **INTERROGATORY NO. 11**<sup>1</sup>

18 Identify all software, databases, or services previously and currently used by You for  
19 maintaining, supervising, managing, analyzing, programming, updating, troubleshooting,  
20 diagnosing, testing or modifying Copilot.

21 **RESPONSE TO INTERROGATORY NO. 11:**

22 Microsoft incorporates by reference and reasserts its Objections to Plaintiffs’ Definitions  
23 and Instructions set forth above. Microsoft objects to the numbering of this interrogatory as  
24 “Interrogatory No. 7.” Microsoft has corrected the numbering in its response. Microsoft further  
25 objects to this interrogatory as overly broad, unduly burdensome, not relevant to any claim or  
26 defense, and disproportionate to the needs of the case, particularly because of its request to  
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<sup>1</sup> Erroneously numbered Interrogatory No. 7 in Plaintiffs’ First Set of Interrogatories to Microsoft.

1 identify “all software, databases, or services previously and currently used.”

2 Subject to the above objections, Microsoft states that it is not responsible for the activities  
3 described in the interrogatory. Microsoft provides hosting and technical support services to  
4 GitHub, which hosts Copilot on Azure servers. Microsoft’s investigation is ongoing. It will  
5 supplement this response if required.

6 **INTERROGATORY NO. 13<sup>2</sup>**

7 Describe in detail the data You have used, since January 1, 2018, to train or otherwise  
8 develop GPT-3, GPT-4, Copilot and Codex, including, for each:

- 9 a. How You obtained the data, e.g., by scraping the data, purchasing it from  
10 third parties, or by other means;
- 11 b. All sources of Data, including any third parties that provided data sets;
- 12 c. To the extent the data was derived from publicly available websites, a list  
13 of all such websites and, for each, the percentage of the data corpus that is  
14 derived from that website;
- 15 d. The categories of content included in the data and the extent to which each  
16 category is represented in the data corpus (i.e., as a percentage of data  
17 used to train the model);
- 18 e. All policies and procedures Related to identifying, assessing, vetting and  
19 selecting sources of data for the model.

20 **RESPONSE TO INTERROGATORY NO. 13:**

21 Microsoft incorporates by reference and reasserts its Objections to Plaintiffs’ Definitions  
22 and Instructions set forth above. Microsoft objects to the numbering of this interrogatory as  
23 “Interrogatory No. 9.” Microsoft has corrected the numbering in its response. Microsoft further  
24 objects to this interrogatory as compound, containing at least four discrete inquiries: (1) “How  
25 You obtained the data”; (2) “All sources of Data”; (3) “The categories of content included in the  
26 data and the extent to which each category is represented in the data corpus”; and (4) “All policies  
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28 <sup>2</sup> Erroneously numbered Interrogatory No. 9 in Plaintiffs’ First Set of Interrogatories to Github.

1 and procedures Related to identifying, assessing, vetting and selecting sources of data for the  
2 model.” Microsoft will count this interrogatory as four separate interrogatories for purposes of the  
3 twenty-five-interrogatory limit. Microsoft further objects to this interrogatory as overly broad,  
4 unduly burdensome, not relevant to any claim or defense, and disproportionate to the needs of the  
5 case, particularly because it seeks information regarding GPT-3 and GPT-4 which are beyond the  
6 scope of the pleadings in this case. Microsoft further objects to this request to the extent it assumes that  
7 Microsoft trained or developed GPT-3, GPT-4, Copilot, or Codex. Microsoft further objects to  
8 the term “data corpus” as vague and ambiguous. Microsoft will interpret this term to mean the data  
9 used to train the OpenAI models underlying Copilot. Microsoft objects that the phrase “data used  
10 to ...otherwise develop” is vague and ambiguous. Microsoft will interpret this phrase to mean the  
11 data used to develop the models underlying Copilot and Codex.

12 Subject to the above objections, Microsoft states that it did not train or develop the models  
13 underlying Copilot or Codex.  
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